

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 320 /02

Being a by-law to regulate and license the carrying on of the business of a pawnbroker within the Corporation of Haldimand County.

WHEREAS the Pawnbrokers Act, R.S.O. 1990, Chapter P. 6 provides for a Municipal Council to pass by-laws to regulate and license the carrying on of the business of a Pawnbroker.

AND WHEREAS it is advisable for the Council of The Corporation of Haldimand County to pass a by-law to regulate and license the carrying on of the business of pawnbrokers in the County of Haldimand.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF HALDIMAND COUNTY HEREBY ENACTS AS FOLLOWS:

1. Definitions

- a) **"Council"** means Council of the Corporation of Haldimand County;
- b) **"Issuer"** means the Issuer of Licences appointed by Haldimand County;
- c) **"Municipality"** refers to The Corporation of Haldimand County;
- d) **"Pawnbroker"** means a person who carries on the business of taking by way of pawn or pledge an article for the repayment of money lent thereon;
- e) **"Pawner"** means a person who delivers an article for pawn to a pawnbroker;
- f) **"Pledge"** means an article pawned with a pawnbroker;
- g) **"Shop"** includes any place where the business of a pawnbroker is carried on.

2. Requirements for Licensing, Licence Fees and Security

- a) Every pawnbroker shall procure and maintain in good standing a licence from Council in accordance with the provisions of this By-law authorizing him to engage in pawnbroking within the boundaries of Haldimand County.
- b) No person shall carry on the business of a pawnbroker unless he or she obtains a pawnbroker's licence from Haldimand County.
- c) No person shall, by virtue of one licence, carry on business as a pawnbroker in more than one shop.
- d) Where two or more persons carry on business as pawnbrokers in partnership in the same shop, only one licence is necessary.
- e) Every pawnbroker shall provide The Corporation of Haldimand County with security to the satisfaction of the Municipal Treasurer in the amount of \$2,000.00 for the due observance of the pawnbroker of the Pawnbrokers Act.

3. Application for Licence

- a) Every person wishing to make an application for a pawnbroker's licence or renewal thereof pursuant to the provisions of this By-law, shall attend at the office of the Issuer and file a completed application in the form provided by Haldimand County.
- b) The licence fee – For current fees please refer to the Licence Fee Index which is located under Documents with the General Licensing on the Haldimand County web site www.haldimandcounty.on.ca Where applicable a late fee surcharge may be applied.
- c) The Issuer shall not issue a licence until all fees have been paid and the application has been fully completed.
- d) Upon receipt of the application, the Issuer shall make or cause to be made all investigations and searches required by law or by the Council to be made relative to such application.
- e) Upon being satisfied that the applicant is entitled to a licence under the provisions of this By-law, the Issuer shall recommend that Council grant a licence to the applicant.
- f) Upon receipt of the recommendation that the Issuer grant a licence, the Clerk shall place the matter before Council for approval in accordance with Council procedures.

- g) Upon receipt of a recommendation of the Issuer to refuse a licence, the Clerk shall place the matter for hearing in accordance with Council procedures and the applicant shall be given notice and shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a representative.
- h) Council shall hear and consider the recommendation of the Issuer and the evidence adduced in support thereof and shall hear and consider the evidence from the Applicant in the event that the Applicant or his or her representative attends. Council, after consideration of the evidence adduced and all submissions made at the hearing, shall make a decision to grant the Licence to the Applicant or to refuse the Licence to the Applicant and the Clerk shall provide written notice and reasons for Council's decision.
- i) Every licence issued under this By-law shall expire on the 31st day of December in the year that it is issued.

4. Renewals

- a) In the case of an application for renewal, a Licencee shall make an application within thirty (30) days of the expiration of an existing Licence, and a Licence shall be renewed unless a recommendation is made by the Issuer to Council that the Licence not be renewed, and in that event, the Licencee shall be given reasonable notice and a hearing shall be conducted in the like manner to the hearing set out in Section 3(h) above.

5. Requirements for Operating as a Pawnbroker

- a) Every licensed pawnbroker in Haldimand County shall keep exhibited in large, legible characters on a sign over the front door of the shop, the pawnbrokers' name and the word "PAWNBROKER"; and
- b) Every licensed pawnbroker in Haldimand County shall keep displayed conspicuously in the shop a notice in large, legible characters so as to be visible to persons pawning articles or redeeming pledges, showing,
 - i) rights of redemption of pledges,
 - ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent, and
 - iii) maximum charges authorized by the Pawnbrokers Act R.S.O. 1990 c.P6
- c) Every licensed pawnbroker in Haldimand County shall operate his or her business in compliance with the *Pawnbrokers Act*, R.S.O. 1990, c.P.6, as amended.

6. Restrictions in Respect to Operating as a Pawnbroker

- a) A pawnbroker shall not:
 - i) purchase any article or receive or take any article in pawn from **any** person who appears to the pawnbroker to be under the age of eighteen years or to be under the influence of alcohol or drugs;
 - ii) purchase or take in pawn a pawnticket issued by himself or any other pawnbroker;
 - iii) employ or permit any person under sixteen years of age to take any pledge in pawn;
 - iv) carry on business as a pawnbroker on Sunday, Good Friday, Christmas, or any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, or any other day before 8 o'clock a.m. or after 8 o'clock p.m
 - v) purchase or sell or otherwise deal with any pledge while in pawn with him, except in accordance with the Pawnbrokers Act;
 - vi) suffer any pledge while in pawn to the pawnbroker to be redeemed with a view to the pawnbroker's purchasing it;
 - vii) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof, within the time of redemption;
 - viii) take in pawn any Cross, Medal, Insignia or other decoration granted by or with the approval of Her Majesty; or
 - ix) melt any gold, silver, platinum or other precious metal that was pawned with the pawnbroker that was not redeemed, and that has become the pawnbroker's absolute property under the Pawnbrokers Act, unless authorized so to do by the Council of The Corporation of Haldimand County in which the pawnbroker carries on business.

7. Requirements for Records in Respect to Operating as a Pawnbroker

- a) Every pawnbroker who takes an article in pawn shall, before any money is lent thereon, enter in a book to be kept for that purpose:
 - i) the day, month and year in which the pledge was taken;

- ii) the full name, address and a description of the person delivering the article for pawn reasonably sufficient to identify such person, including sex, and estimated age, height, complexion and full particulars of identification if produced and, where the person who delivers the article for pawn states that he or she is the agent of its owner for the purpose of pawning it, the name and address of the owner;
 - iii) a description of the pledge reasonably sufficient to identify it; and
 - iv) the sum lent on the pledge.
- b) Where a person tendering an article for pawn refuses or is unable to produce any identification, the pawnbroker shall enter in his book a note thereof, which shall be deemed to constitute compliance with the identification requirements of clause (a)(ii) of this By-law;
- c) The entries shall be numbered in the book consecutively in the order in which the articles are pawned.
- d) At the time of taking an article in pawn, the pawnbroker shall give the pawner a pawnticket containing,
 - i) the pawnbroker's name and business address;
 - ii) the name of the pawner;
 - iii) the day, month and year in which the pledge was taken in pawn;
 - iv) the number of the entry of the pledge in the pawnbroker's book;
 - v) a description of the pledge;
 - vi) the sum lent on the pledge;
 - vii) the rate of interest charged for the sum lent;
 - viii) the charge for the pawnticket; and
 - ix) the charge for storage, if any.
- e) Where a pawnbroker has reasonable cause to suspect that an article offered has been stolen or otherwise unlawfully obtained, the pawnbroker shall forthwith report the matter to a member of the Haldimand-Norfolk OPP.
- f) Every pawnbroker shall keep up to date during each year a list, arranged alphabetically, of the names of the persons who have pawned articles with the pawnbroker, and each such list shall be kept for not less than one year after the end of the year during which it was compiled.

8. Daily Report to Police

- a) Every pawnbroker shall before noon of every business day make a report either for the Chief of Police or such other person as is designated by by-law of the Council of the municipality.
- b) Such reports shall contain, in respect of every transaction made during the time period specified by the Haldimand-Norfolk OPP, all the information required under section 7(a) to be entered in the pawnbroker's book.
- c) Such reports shall be the pawnbroker's book reproduced by any means whatsoever so long as the copy is legible.

9. Identification of Pledge

- a) Each pledge shall be identified by a number that corresponds with the number of the pawnticket and the entry of the transaction in the pawnbrokers' book, and, when the pledge is redeemed, the pawnbroker shall record the amount of interest taken and of all other charges and shall keep the record for not less than one year after redemption.

10. Inspection by Police

- a) Every police officer shall at all times be given access to and may inspect a pawnbroker's books, papers and pledges, and when so engaged may have with him or her such other persons as he considers advisable.

11. Penalty

- a) Every person who without reasonable excuse contravenes or fails to comply with this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

12. Pawnbrokers Act R.S.O. 1990, Chapter P.6 as amended

- a) This By-Law shall be read in conjunction with the *Pawnbrokers Act*, R.S.O. 1990, Chapter P. 6 as amended.

13. Effective Date of By-law

- a) That the effective date of this By-law shall be the date of final passage thereof.

READ a first and second time this 16th day of, December 2002.

READ a third time and finally passed this 16th day of, December 2002.

MAYOR

CLERK